

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

JAMIE TRZECIAK,)	
)	
Plaintiff,)	Case No.: 3:21-cv-50482
)	
v.)	
)	
DICK’S SPORTING GOODS, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL BASED ON DIVERSITY JURISDICTION

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant DICK’S SPORTING GOODS, INC. (“Defendant”), by and through its attorneys, Adam M. Berger and Myles R. Carroll of Miller Berger, LLC, submits this Notice of Removal to the United States District Court of the Northern District of Illinois, Western Division, of the above-styled action, pending as Case No. 2021 LA 000321 in the Circuit Court of the Twenty-Second Judicial Circuit, McHenry County, Illinois. In support of this Notice of Removal, Defendant states as follows:

1. On November 24, 2021, a Complaint was filed by Jamie Trzeciak (“Plaintiff”) in the Circuit Court of the Twenty-Second Judicial District, McHenry County, Illinois styled *JAMIE TRZECIAK v. DICK’S SPORTING GOODS, INC.*, Case No. 2021 LA 000321. Plaintiff’s Complaint seeks compensatory damages allegedly incurred as a result of an incident that occurred at a Dick’s Sporting Goods located in McHenry, Illinois. A copy of the Complaint at Law is attached hereto as Exhibit A.

2. 28 U.S.C. §1446(b) provides in pertinent part, “The notice of removal of a civil action or proceeding shall be filed within 30 days after receipt by the Defendant, through service ... of a copy on the initial pleading setting forth the claim ... or within 30 days after the service of summons upon defendant if such initial pleading has then been filed in court and is not required to

be served on the defendant, whichever period is shorter. Pursuant to 28 U.S.C. §1446(c), Defendant is seeking removal within the thirty-day limitation based on diversity of citizenship.

3. A Summons and a copy of Plaintiff's Complaint at Law were issued by the McHenry County Courthouse on November 24, 2021, and were served on Defendant on December 9, 2021.

4. Upon information and belief, Plaintiff is a citizen of Illinois.

5. Defendant is a full-time retailer which has, at all times relevant to the matters at issue in this case, been incorporated under the laws of the State of Delaware maintaining a principal place of business in the State of Pennsylvania. For diversity purposes, Defendant is domiciled in the State of Pennsylvania. (See printout from the Illinois Secretary of State attached hereto as Exhibit B).

6. The above-entitled case is a civil action of which the United States District Court for the Northern District of Illinois has original jurisdiction under the provisions of 28 U.S.C. Section 1332 and is an action of a civil nature between citizens of different states, wherein the Defendant has good faith belief that the amount in controversy exceeds \$75,000.00. (See Affidavit of Adam M. Berger attached hereto and marked as Exhibit C).

7. Defendant has attached all relevant pleadings pursuant to 28 U.S.C. Section 1446(a). (See Exhibits A, B, and C).

8. Written notice of the filing of this Notice of Removal will be given to the Plaintiff, and a copy filed with the Circuit Court of the Twenty-Second Judicial District, McHenry County, Illinois.

WHEREFORE, Defendant DICK'S SPORTING GOODS, INC., gives notice that the above-entitled action be removed and transferred from the Circuit Court of the Twenty-Second

Judicial District, McHenry County, Illinois to the United States District Court for the Northern District of Illinois, Western Division.

Respectfully Submitted,

Dick's Sporting Goods, Inc.,

By: /s/ Adam M. Berger
One of Its Attorneys

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